

## **EXHIBIT A**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

FREDDY FIENGO,

Plaintiff(s),

-against-

STARBUCKS CORP.,

Defendant(s).

Plaintiff designates Suffolk County as the  
place of Trial.

The basis of the venue is plaintiff's  
residence.

SUMMONS

Plaintiff resides at  
61 West Tiana Road  
Hampton Bays, NY 11946

**To the above named Defendant(s):**

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint. In the event that Article 16 of the CPLR applies, this case falls within an exception to the same.

Dated: New York, New York  
November 2, 2021

Yours, etc.,

BY

Mr. Thomas P. Markovits OF  
MIRMAN, MARKOVITS & LANDAU, P.C.

Attorney for Plaintiff(s)

Office and Post Office Address

291 Broadway - 6th Floor

New York, New York 10007

Tel. No.: (212) 227-4000

File No.: 300773

NO SERVICE BY FAX ACCEPTED

Defendant(s)' Address(es):  
STARBUCKS CORP.  
29 Hampton Road  
Southampton, NY 11968

PLEASE FORWARD TO YOUR INSURANCE COMPANY

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

FREDDY FIENGO,

Plaintiff(s),

COMPLAINT

-against-

STARBUCKS CORP.,

Defendant(s).

Plaintiffs, by their attorney, **MIRMAN, MARKOVITS & LANDAU, P.C.**, for their complaint against the Defendants, allege as follows:

AS AND FOR A FIRST CAUSE OF ACTION  
ON BEHALF OF FREDDY FIENGO

1. Upon information and belief, at all the dates and times hereinafter mentioned, defendant Starbucks Corp., owned premises known as 29 Hamptons Road, County of Suffolk, State of New York.
2. Upon information and belief, at all the dates and times hereinafter mentioned, defendant Starbucks Corp. operated premises known as 29 Hamptons Road, County of Suffolk, State of New York.
3. Upon information and belief, at all the dates and times hereinafter mentioned, the Defendant Starbucks Corp. controlled premises known as 29 Hamptons Road, County of Suffolk, State of New York.
4. Upon information and belief, at all the dates and times hereinafter mentioned, the Defendant Starbucks Corp. managed premises known as 29 Hamptons Road, County of Suffolk, State of New York.
5. Upon information and belief, at all the dates and times hereinafter mentioned, the Defendant Starbucks Corp. maintained premises known as 29 Hamptons Road, County of Suffolk, State of New York.

6. Upon information and belief, at all the dates and times hereinafter mentioned, the Plaintiff was lawfully upon and at the premises known as 29 Hamptons Road, County of Suffolk, State of New York.

7. On or about October 6, 2021, at the premises known as 29 Hamptons Road, County of Suffolk, State of New York, Plaintiff Freddy Fiengo was caused to be injured.

8. That the aforesaid injuries to plaintiff Freddy Fiengo occurred solely and wholly through the negligence of the defendants, their agents, servants and employees, in the ownership, leasing, operation, maintenance, control and management of their respective premises and more particularly premises known as 29 Hamptons Road, County of Suffolk, State of New York, although said defendants knew or should have known of the dangers and hazards there existing and nonetheless failed to remedy same.

9. As a result of the aforesaid, the Plaintiff was rendered sick, sore, lame and disabled, was caused to suffer great pain, was and is internally and externally injured, will continue to endure great pain and suffering, and has sustained and will continue to sustain special damages, all to Plaintiff's damage.

10. That as a result of the foregoing, the defendant acted recklessly and wantonly and without any regard to the safety of Plaintiff.

WHEREFORE, Plaintiff(s) demand judgment against the defendants STARBUCKS CORP. on the First Cause of Action, Second Cause of Action and on the Third Cause of Action together with interest, costs and disbursements of this action. In the event that Article 16 of the CPLR applies, this case falls within an exception to the same.

Dated: New York, New York  
November 2, 2021

Yours, etc.,

MIRMAN, MARKOVITS & LANDAU, P.C.

Attorney for Plaintiff(s)

Office and Post Office Address

291 Broadway - 6th Floor

New York, New York 10007

Tel. No.: (212) 227-4000

File No.: 300773

NO SERVICE BY FAX ACCEPTED

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF SUFFOLK

---

FREDDY FIENGO,

Plaintiff(s),

-against-

STARBUCKS CORP.,

Defendant(s).

---

**SUMMONS & COMPLAINT**

**MIRMAN, MARKOVITS & LANDAU, P.C.**

291 Broadway - 6th Floor  
New York, New York 10007  
Tel. No. (212) 22-4000

---

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

\_\_\_\_\_  
FREDDY FIENGO

X

Plaintiff(s),

Index No.:

-against-

STARBUCKS CORP.

\_\_\_\_\_  
Defendant(s), X

**NOTICE OF ELECTRONIC FILING**  
**(Mandatory Case)**  
(Uniform Rule § 202.5-bb)

You have received this Notice because:

1) The Plaintiff(s), whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant (a party) in this case.

• **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

• **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

**Information for Attorneys**  
**(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site [www.nycourts.gov/efile](http://www.nycourts.gov/efile); or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Dated:

Mr. Thomas P. Markovits  
Name

291 BROADWAY 6TH FL  
Address

MIRMAN, MARKOVITS & LANDAU  
Firm Name

NEW YORK, NY 10007

212-227-4000  
Phone

\_\_\_\_\_  
E-Mail

To: DEFENDANT(S)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6/6/18

Index #

Page 2 of 2

EFM-1



ATTORNEY(s) : Mirman, Markovitz, &amp; Landau, P.C.

INDEX #: 608489/2022

PURCHASED/FILED : May 2, 2022

STATE OF : NEW YORK

COURT : Supreme

COUNTY/DISTRICT : Suffolk



P6691059

**AFFIDAVIT OF SERVICE - SECRETARY OF STATE**

Freddy Fiengo

Plaintiff(s)

against

Starbucks Corp.

Defendant(s)

STATE OF NEW YORK )  
COUNTY OF ALBANY ) SS  
CITY OF ALBANY )**DESCRIPTION OF PERSON SERVED:**

Approx. Age: 60 yrs

Weight: 120 lbs Height: 5' 1" Sex: Female Color of skin: White

Hair color: Brown Other:

**Robert Guyette**, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; is not a party to this action, and resides in the State of NY, and that on **May 10, 2022**, at **12:50 PM**, at the office of the Secretary of State of the State of NY, located at 99 Washington Ave, 6th Fl, Albany, New York 12231 deponent served:

**Summons and Complaint with Notice of Electronic Filing**

on

Starbucks Corp.

the Defendant in this action, by delivering to and leaving with **Nancy Dougherty** AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of \$40 dollars; That said service was made pursuant to Section **BUSINESS CORPORATION LAW §306**.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Sworn to before me on this

10th day of

May 2022

YVONNE STRAIN  
NOTARY PUBLIC, State of New York  
01ST6314054, Schenectady  
Commission Expires November 3, 2022

Robert Guyette

Invoice-Work Order # 2216234  
Attorney File # 6691059

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

STATEMENT OF AUTHORIZATION FOR  
ELECTRONIC FILING  
(Managing Attorney Authorizing Filing Agent Entity)

I, Thomas P. Markovits Esq., (Attorney Registration No. 1670215) am the managing attorney of/attorney in charge of e-filing for MIRMAN, MARKOVITS & LANDAU P.C. (the "Firm"). I hereby acknowledge and represent that the attorneys in the Firm who are authorized users of the New York State Electronic Filing System ("NYSCEF") hereby authorize any employee of PM Legal who possesses a NYSCEF filing agent ID to file documents on their behalf and at their direction, as a filing agent, in any e-filed matter in which they are counsel of record through NYSCEF, as provided in Section 202.5-b of the Uniform Rules for the Trial Courts.

This authorization extends to any consensual matter in which these attorneys have previously consented to e-filing or may hereafter consent, to any mandatory matter in which they have recorded their representation, and to any matter in which they authorize the filing agent to record consent or representation in the NYSCEF system.

This authorization extends to any and all documents these attorneys generate and submit to the filing agent for filing in any such matter. This authorization, posted once on the NYSCEF website as to each matter in which these attorneys are counsel of record, shall be deemed to accompany any document in that matter filed by the filing agent on behalf of these attorneys.

This authorization also extends to matters of payment, which the filing agent may make either by debiting an account the filing agent maintains with the County Clerk of any authorized e-filing county or by debiting an account the Firm maintains with the County Clerk of any authorized e-filing county.

This authorization regarding this filing agent shall continue until the Firm revokes the authorization in writing on a prescribed form delivered to the E-Filing Resource Center.

Dated: 10/27/2016

Signature

Thomas P. Markovits  
Print Name

NY, NY 10007  
City, State and Zip Code

212-227-4000  
Phone

MIRMAN MARKOVITS

Firm/Department

tmarkovits@gmail.com

E-Mail Address

291 Broadway

Street Address

(6/6/13)

THE STATE OF NEW YORK  
SUPREME COURT : COUNTY OF SUFFOLK

---

FREDDY FIENGO,

**ANSWER**

Plaintiff,

v.

Index No.: 608489/2022

STARBUCKS CORP.,

Defendant.

---

Defendant, Starbucks Corporation d/b/a Starbucks Coffee Company (sued herein as “Starbucks Corp.”) (“Starbucks”), by its attorneys, Goldberg Segalla LLP, responds to Plaintiff’s Complaint as follows:

1. Starbucks denies the allegations contained in paragraph 1 of the Complaint.
2. In response to paragraph 2 of the Complaint, Starbucks admits only that at certain times not specifically set forth in the complaint, Starbucks operated a coffee shop at 29 Hampton Road, Southampton, New York, and denies any remaining allegations contained within paragraph 2 of the Complaint.
3. Starbucks denies the allegations contained in paragraph 3 of the Complaint.
4. Starbucks denies the allegations contained in paragraph 4 of the Complaint.
5. Starbucks denies the allegations contained in paragraph 5 of the Complaint.
6. Starbucks denies having knowledge or information sufficient to form a belief as to the allegations contained in paragraph 6 of the Complaint.
7. Starbucks denies the allegations contained in paragraph 7 of the Complaint.
8. Starbucks denies the allegations contained in paragraph 8 of the Complaint.
9. Starbucks denies the allegations contained in paragraph 9 of the Complaint.
10. Starbucks denies the allegations contained in paragraph 10 of the Complaint.
11. Starbucks denies each and every other allegation of the Complaint not previously admitted, denied, or otherwise controverted.

**AS AND FOR A FIRST SEPARATE AND COMPLETE  
AFFIRMATIVE DEFENSE, STARBUCKS  
ALLEGES, UPON INFORMATION AND BELIEF:**

12. The injuries and/or damages alleged in the Plaintiff's Complaint were caused in whole or in part by the culpable conduct, want of care and assumption of risk on the part of the Plaintiff, and without negligence, fault or want of care on the part of Starbucks.

**AS AND FOR A SECOND SEPARATE AND COMPLETE  
AFFIRMATIVE DEFENSE, STARBUCKS  
ALLEGES, UPON INFORMATION AND BELIEF:**

13. If Starbucks is found liable to the Plaintiff, its responsibility for the accident is less than fifty-one percent (51%) of the total liability assigned to all persons liable and, therefore, any recovery by Plaintiff for non-economic loss against Starbucks should be limited to its percentage of liability.

**AS AND FOR A THIRD SEPARATE AND COMPLETE  
AFFIRMATIVE DEFENSE, STARBUCKS  
ALLEGES, UPON INFORMATION AND BELIEF:**

14. The Plaintiff's Complaint fails to state a cause of action against Starbucks.

**AS AND FOR A FOURTH SEPARATE AND COMPLETE  
AFFIRMATIVE DEFENSE, STARBUCKS  
ALLEGES, UPON INFORMATION AND BELIEF:**

15. The Plaintiff's injuries, if any, were caused in whole or in part by a person or persons who are not within the control of Starbucks.

**AS AND FOR A FIFTH SEPARATE AND COMPLETE  
AFFIRMATIVE DEFENSE, STARBUCKS  
ALLEGES, UPON INFORMATION AND BELIEF:**

16. That pursuant to §4545 and other applicable sections of the CPLR, Starbucks is entitled to a set off against the amount of any verdict of any monies collected from a collateral source of payment as set forth in said law.

**AS AND FOR A SIXTH SEPARATE AND COMPLETE  
AFFIRMATIVE DEFENSE, STARBUCKS  
ALLEGES, UPON INFORMATION AND BELIEF:**

17. Plaintiff has failed to mitigate his damages.

**AS AND FOR A SEVENTH SEPARATE AND COMPLETE  
AFFIRMATIVE DEFENSE, STARBUCKS  
ALLEGES, UPON INFORMATION AND BELIEF:**

18. Upon information and belief, the underlying incident and alleged resulting injuries were not proximately caused by any action or inaction of Starbucks.

**AS AND FOR AN EIGHTH SEPARATE AND COMPLETE  
AFFIRMATIVE DEFENSE, STARBUCKS  
ALLEGES, UPON INFORMATION AND BELIEF:**

19. Upon information and belief, the conduct of the Plaintiff constituted the sole proximate cause of the incident.

**AS AND FOR A NINTH SEPARATE AND COMPLETE  
AFFIRMATIVE DEFENSE, STARBUCKS  
ALLEGES, UPON INFORMATION AND BELIEF:**

20. Starbucks is entitled to the protection, provisions, and limitations of Section 15-108 of the General Obligations Law of the State of New York.

**AS AND FOR A TENTH SEPARATE AND COMPLETE  
AFFIRMATIVE DEFENSE, STARBUCKS  
ALLEGES, UPON INFORMATION AND BELIEF:**

21. All risks and dangers at the time and place set forth as the location of the incident as alleged in the Complaint were open, obvious, and apparent.

**AS AND FOR A TWELFTH SEPARATE AND COMPLETE  
AFFIRMATIVE DEFENSE, STARBUCKS  
ALLEGES, UPON INFORMATION AND BELIEF:**

22. Starbucks reserves the right to assert additional affirmative defenses.

**WHEREFORE**, Starbucks demands judgment as follows:

- a. Dismissing the plaintiff's Complaint, or

b. Reducing Plaintiff's recovery in the proportion to which the Plaintiff's culpable conduct, assumption of risk, and want of care bears to the culpable conduct which caused the Plaintiff's damages,

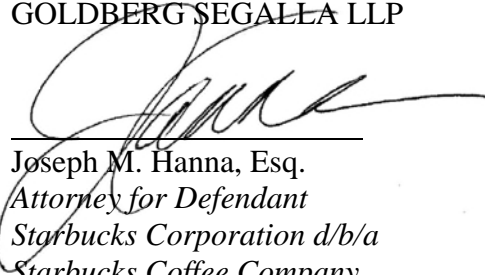
c. Determining the ultimate rights and responsibilities of Starbucks, including costs, disbursements, and interest, or for such proportionate share as represents the amount, degree or kind of culpable conduct attributable to Starbucks; and

d. Limiting Plaintiff's recovery for non-economic loss against Starbucks to the percentage of responsibility attributed to Starbucks, if that percentage is less than fifty-one percent (51%), and

e. Such other and further relief as to this Court may seem just, proper, and equitable together with the costs and disbursements of this action.

Dated: Buffalo, New York  
May 20, 2022

GOLDBERG SEGALLA LLP



Joseph M. Hanna, Esq.  
*Attorney for Defendant*  
*Starbucks Corporation d/b/a*  
*Starbucks Coffee Company,*  
665 Main Street  
Buffalo, New York 14203  
(716) 566-5400  
[jhanna@goldbergsegalla.com](mailto:jhanna@goldbergsegalla.com)

TO: Thomas P. Markovits, Esq.  
MIRMAN, MARKOVITS & LANDAU, PC  
291 Broadway – 6<sup>th</sup> Floor  
New York, New York 10007  
(212) 227-4000

## AFFIDAVIT OF SERVICE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Index #: 608489/2022

Date Filed: May 2, 2022

Court Date:

Assigned Justice:

ATTORNEY(S): PH:  
ADDRESS: File No.: 6691042

FREDDY FIENGO

vs.

Plaintiff

STARBUCKS CORP.,

Defendant

STATE OF New York , COUNTY OF SUFFOLK

SS.:

Sean Terry , being duly sworn deposes and says: Deponent is not a party herein, is over 18 years  
of age and resides in New York. On Friday, May 13, 2022 at 9:54 AM .

at 29 HAMPTON ROAD, SOUTHAMPTON, NY 11968 deponent served the within

NOTICE OF ELECTRONIC FILING (MANDATORY CASE) (UNIFORM RULE 202.5-bb), SUMMONS AND COMPLAINT

on: STARBUCKS CORP.,

Defendant therein named.

The index number and the filing date of the action were endorsed upon the face of the papers so served herein.

#1 CORPORATION By delivering to and leaving with NICOLE CAMPBELL, Manager and that deponent knew the person so served to be the  
authorized agent of the corporation, and said person stated that he/she was authorized to accept service on behalf of the corporation.

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

#2 DESCRIPTION Sex: Female Color of skin: White Color of hair: Brown Age: 25\*35 Height: 5ft4in-5ft8in  
Weight: 100-130 lbs Other Features:

(use with #1, 2 or 3)

#3 WIT. FEES \$ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#4 OTHER

Sworn to before me on 05/17/2022

SUSAN CORTINA

Notary Public, State of New York  
No. 01CO6047509, Qualified in Suffolk County  
Term Expires September 5, 2022

Sean Terry

Server's Lic #

InvoiceWorkOrder 2272365



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

STATEMENT OF AUTHORIZATION FOR  
ELECTRONIC FILING  
(Managing Attorney Authorizing Filing Agent Entity)

I, Thomas P. Markovits Esq., (Attorney Registration No. 1670215) am the managing attorney of/attorney in charge of e-filing for MIRMAN, MARKOVITS & LANDAU P.C. (the "Firm"). I hereby acknowledge and represent that the attorneys in the Firm who are authorized users of the New York State Electronic Filing System ("NYSCEF") hereby authorize any employee of PM Legal who possesses a NYSCEF filing agent ID to file documents on their behalf and at their direction, as a filing agent, in any e-filed matter in which they are counsel of record through NYSCEF, as provided in Section 202.5-b of the Uniform Rules for the Trial Courts.

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Dated: 10/27/2016

Signature

Thomas P. Markovits

Print Name

NY, NY 10007  
City, State and Zip Code

212-227-4000  
Phone

MIRMAN MARKOVITS

Firm/Department

tmarkovits@gmail.com

E-Mail Address

291 Broadway

Street Address

(6/6/13)

## AFFIDAVIT OF SERVICE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLKIndex #: 608489/2022  
Date Filed: May 2, 2022  
Court Date:  
Assigned Justice:ATTORNEY(S): PH:  
ADDRESS: File No.: 6691042

FREDDY FIENGO

vs.

Plaintiff

STARBUCKS CORP.,

Defendant

STATE OF New York , COUNTY OF SUFFOLK

SS.:

Sean Terry , being duly sworn deposes and says: Deponent is not a party herein, is over 18 years  
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#2 DESCRIPTION Sex: Female Color of skin: White Color of hair: Brown Age: 25\*35 Height: 5ft4in-5ft8in  
Weight: 100-130 lbs Other Features:  
(use with #1, 2 or 3)

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#4 OTHER

Sworn to before me on 05/17/2022

SUSAN CORTINA

Notary Public, State of New York  
No. 01CO6047509, Qualified in Suffolk County  
Term Expires September 5, 2022

Sean Terry

Server's Lic #

InvoiceWorkOrder 2272365

SUPREME COURT - SUFFOLK COUNTY

-----X  
FREDDY FIENGO,

PLAINTIFF,

-against-

STARBUCKS CORP.,

DEFENDANT.  
-----X

Index No. : 608489/2022

**REQUEST FOR  
PRELIMINARY CONFERENCE**

The undersigned requests a preliminary conference.

The nature of the action is personal injury caused by defendants' negligence.

The names, addresses and telephone numbers of all attorneys appearing are:

MIRMAN, MARKOVITS & LANDAU, P.C.

**Attorney for Plaintiff(s)**

291 Broadway - 6<sup>th</sup> Floor  
New York, New York 10007  
TEL. NO.: (212) 227-4000

**Attorney(s) for Defendant(s):**

Goldberg Segalla, LLP  
665 Main Street  
Buffalo, New York 14203  
(716) 566-5400

Dated: New York, New York  
June 24, 2022

Yours, etc.,

MIRMAN, MARKOVITS & LANDAU, P.C.  
ATTORNEYS FOR PLAINTIFF(S)

BY

  
THOMAS P. MARKOVITS, ESQ.

AFFIDAVIT OF SERVICE BY MAIL

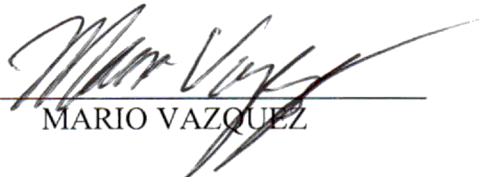
STATE OF NEW YORK )

COUNTY OF NEW YORK ) ss.:

MARIO VAZQUEZ, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides at Jersey City, New Jersey. On June 24, 2022, deponent served the within Request for Preliminary Conference & RJl upon:

Goldberg Segalla, LLP  
665 Main Street  
Buffalo, New York 14203  
(716) 566-5400200

attorneys for the defendant(s) in this action at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in -- a post office -- official depository under the exclusive care and custody of the United State Postal Service within New York State.

  
MARIO VAZQUEZ

Sworn to before me this

June 24, 2022

THOMAS P. MARKOVITS  
Notary Public, State of New York  
No. 0224497665  
Qualified in New York County  
Commission Expires Nov. 5, 2022



INDEX NO.: 608489/2022

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF SUFFOLK

---

FREDDY FIENGO,

PLAINTIFF,

-AGAINST-

STARBUCKS CORP.,

DEFENDANT.

---

**REQUEST FOR PRELIMINARY CONFERENCE and RJJ**

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MIRMAN, MARKOVITS & LANDAU, P.C.

**Attorney for Plaintiff(s)**

291 Broadway - 6th Floor

New York, New York 10007

TEL. NO.: (212) 227-4000

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## REQUEST FOR JUDICIAL INTERVENTION

SUPREME COURT, COUNTY OF SUFFOLK



Index No: 608489/2022

Date Index Issued: 05/02/2022

For Court Use Only:

CAPTION Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

FREDDY FIENGO,

Plaintiff(s)/Petitioner(s)

-against-

STARBUCKS CORP.,

Defendant(s)/Respondent(s)

IAS Entry Date

Judge Assigned

RIJ Filed Date

NATURE OF ACTION OR PROCEEDING Check only one box and specify where indicated.

## COMMERCIAL

- ☐ Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)
- ☐ Contract
- ☐ Insurance (where insurance company is a party, except arbitration)
- ☐ UCC (includes sales and negotiable instruments)
- ☐ Other Commercial (specify): \_\_\_\_\_

**NOTE:** For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the **COMMERCIAL DIVISION RIJ ADDENDUM (UCS-840C)**.

## TORTS

- ☐ Asbestos
- ☐ Child Victims Act
- ☐ Environmental (specify): \_\_\_\_\_
- ☐ Medical, Dental or Podiatric Malpractice
- ☐ Motor Vehicle
- ☐ Products Liability (specify): \_\_\_\_\_
- ☒ Other Negligence (specify): Slip and fall
- ☐ Other Professional Malpractice (specify): \_\_\_\_\_
- ☐ Other Tort (specify): \_\_\_\_\_

## SPECIAL PROCEEDINGS

- ☐ Child-Parent Security Act (specify): ☐ Assisted Reproduction ☐ Surrogacy Agreement
- ☐ CPLR Article 75 – Arbitration [see **NOTE** in **COMMERCIAL** section]
- ☐ CPLR Article 78 – Proceeding against a Body or Officer
- ☐ Election Law
- ☐ Extreme Risk Protection Order
- ☐ MHL Article 9.60 – Kendra's Law
- ☐ MHL Article 10 – Sex Offender Confinement (specify): ☐ Initial ☐ Review
- ☐ MHL Article 81 (Guardianship)
- ☐ Other Mental Hygiene (specify): \_\_\_\_\_
- ☐ Other Special Proceeding (specify): \_\_\_\_\_

## MATRIMONIAL

- ☐ Contested
- NOTE:** If there are children under the age of 18, complete and attach the **MATRIMONIAL RIJ ADDENDUM (UCS-840M)**.
- For Uncontested Matrimonial actions, use the Uncontested Divorce RIJ (**UD-13**).

## REAL PROPERTY Specify how many properties the application includes: \_\_\_\_\_

- ☐ Condemnation
- ☐ Mortgage Foreclosure (specify): ☐ Residential ☐ Commercial
- Property Address: \_\_\_\_\_
- NOTE:** For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the **FORECLOSURE RIJ ADDENDUM (UCS-840F)**.

- ☐ Partition
- NOTE:** Complete and attach the **PARTITION RIJ ADDENDUM (UCS-840P)**.

- ☐ Tax Certiorari (specify): Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_
- ☐ Tax Foreclosure
- ☐ Other Real Property (specify): \_\_\_\_\_

## OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see **NOTE** in **COMMERCIAL** section]
- ☐ Emergency Medical Treatment
- ☐ Habeas Corpus
- ☐ Local Court Appeal
- ☐ Mechanic's Lien
- ☐ Name Change/Sex Designation Change
- ☐ Pistol Permit Revocation Hearing
- ☐ Sale or Finance of Religious/Not-for-Profit Property
- ☐ Other (specify): \_\_\_\_\_

STATUS OF ACTION OR PROCEEDING Answer YES or NO for every question and enter additional information where indicated.

- |   | YES                              | NO                               |                                 |
|---|----------------------------------|----------------------------------|---------------------------------|
| Has a summons and complaint or summons with notice been filed?  | <input checked="" type="radio"/> | <input type="radio"/>            | If yes, date filed: 05/02/2022  |
| Has a summons and complaint or summons with notice been served? | <input checked="" type="radio"/> | <input type="radio"/>            | If yes, date served: 05/19/2022 |
| Is this action/proceeding being filed post-judgment?            | <input type="radio"/>            | <input checked="" type="radio"/> | If yes, judgment date: _____    |

NATURE OF JUDICIAL INTERVENTION Check one box only and enter additional information where indicated.

- ☐ Infant's Compromise
- ☐ Extreme Risk Protection Order Application
- ☐ Note of Issue/Certificate of Readiness
- ☐ Notice of Medical, Dental or Podiatric Malpractice
- ☐ Notice of Motion
- ☐ Notice of Petition
- ☐ Order to Show Cause
- ☐ Other Ex Parte Application
- ☐ Partition Settlement Conference
- ☐ Poor Person Application
- ☒ Request for Preliminary Conference
- ☐ Residential Mortgage Foreclosure Settlement Conference
- ☐ Writ of Habeas Corpus
- ☐ Other (specify): \_\_\_\_\_

Date Issue Joined: \_\_\_\_\_

Relief Requested: \_\_\_\_\_

Relief Requested: \_\_\_\_\_

Relief Requested: \_\_\_\_\_

Relief Requested: \_\_\_\_\_

Return Date: \_\_\_\_\_

Return Date: \_\_\_\_\_

Return Date: \_\_\_\_\_

If additional space is required, complete and attach the **RJI ADDENDUM (UCS-840A)**.

Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

**PARTIES** For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the **RJI ADDENDUM (UCS-840A)**.

[illegible]

**I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE. NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.**

Dated: **06/24/2022**

**1670215**

Attorney Registration Number

Signature

**Thomas P. Markovits, Esq.**

Print Name \_\_\_\_\_